

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

THE D&M CAPITAL GROUP, LLC,

Debtor.

Chapter 11

Case No. 19-11711(SCC)

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THE D&M CAPITAL GROUP, LLC,

Plaintiff,

Adv. Pro. No. 19-01300 (SCC)

-against-

ESSEX GLOBAL TRADING, LLC, ALEKS PAUL,
and “JOHN DOES,” said names being fictitious and
unknown,

Defendants,

-and-

RADWAN DIAMOND & JEWELLERY TRADING,
ULTIMATE DIAMOND CO., S.B. DIAMOND CORP.,
PALAWAN HOLDINGS LIMITED, and
GEMCUT S.A.,

Nominal Defendants.

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TEMPORARY RESTRAINING ORDER

UPON the emergency application (the “Application”) of The D&M Capital Group, LLC, the Plaintiff in the above-captioned adversary proceeding (the “Plaintiff”), for a temporary restraining order and related relief; and upon the Declaration of Aurora Cassirer, dated September 13, 2019, filed in support of the Application; and the Court having entered an Order to Show Cause directing the Defendants¹ to show cause before the Court (the “Show Cause Hearing”) why the

¹ Capitalized terms used herein that are not otherwise defined shall have the meanings given to them in the Order to Show Cause [ECF No. 34].

Court should not grant the Application; and the Defendants having filed the Declaration of Aleks Paul in Opposition to the Application; and upon the record of the Show Cause Hearing held by the Court on September 26, 2019, at which the Court found that the Plaintiff and its estate would be irreparably harmed absent the Court granting the relief requested in the Application; and upon all the pleadings, proceedings, and papers filed in this action; now, therefore,

IT IS HEREBY ORDERED THAT:

1. To avoid any irreparable harm to the Plaintiff and its estate until the Court can hold a full evidentiary hearing on the matter, which is scheduled to be held on October 17, 2019 (the “Evidentiary Hearing”), the Defendants and all persons known and unknown acting on their behalf or in concert with them, in any manner or by any means, are hereby **ENJOINED** from transferring, selling, encumbering, or otherwise disposing of the first four items identified in the chart attached hereto as Exhibit 1 (collectively, the “Four Stones”) pending the Evidentiary Hearing.
2. This Order shall remain in effect until further order of the Court.

Dated: New York, New York
September 26, 2019

SO ORDERED:

/S/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

DIAMOND TRANSACTIONS

Party delivering goods	Date of delivery	Description	Notes
D&M	May 21, 2019	Class JR0182 - One PL Ring with 23.38 CTS,KASHMIR SAPPHIRE WITH (2) BLTS 0.89 AND 0.83 CTS JR0182	Invoice No. 12462
		CLASS DM2950 10.51 PS FDORPK VS1	
D & M	May 9, 2019	Qty 107 - Class DM 2950 - Item No. JR0280 - YG Diamond Ring with SE 10 02CT FVY VS2 Set with FYI Melee 2 15 CT TW	Memo No. 5296
D & M	March 28, 2019	Qty 1009 Ct 10.8 Item No. JR0306 Platinum Ring with Ruby 7.02 CT surrounded by 8 OV 3.43 CT with Micro Pave on Shank 35 CT	Memo No. 5276
D & M	Feb. 28, 2019	Qty 12 34.97 Ct Item No. JE0104 A Pair of Emerald Pearl and Diamond Earring with Two Drop Emerald Briolettes	Memo No. 5251
		Item No. JP 0105 One cross pndt with (7) FIPK Diamonds 4.69CTS TTL AND 117 CTS White melee 0.2 CTS TTL ON CAPS AT END	